



Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299

January 29, 2019

By ECF

The Honorable Ann M. Donnelly
United States District Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Robert J. Cleary
Member of the Firm
d +1.212.969.3340
f 212.969.2900
rjcleary@proskauer.com
www.proskauer.com

Re: *United States v. Dan Zhong*
Criminal Docket No. 16-614 (AMD)

Dear Judge Donnelly:

I write pursuant to Your Honor's January 25 Order to update the Court further with respect to the parties' efforts to stipulate to the testimony of witnesses who are the subjects of Mr. Zhong's pending motion for Rule 15 depositions (the "Rule 15 Witnesses"). While we have reached agreement in principle with the government as to the stipulations for three of the Rule 15 Witnesses (Kezi Wang, Weiguo Zheng and Lizhi Wang), the government will not agree to the five other testimonial stipulations that we have proposed and attempted to negotiate.

Accordingly, we now respectfully request that the Court decide the pending motion with respect to proposed Rule 15 deponents Lian Zhang, Yuliang Wang, Yunpeng Xia, Bin Yu and Dehuai Tang (the "Remaining Rule 15 Witnesses").¹ The defense is withdrawing its Rule 15 motion with respect to three witnesses, namely Wen Wen, Yan Ji and Deyi Sun.

In order to provide the Court with a more detailed summary of the anticipated testimony of the Remaining Rule 15 Witnesses – as well as to have a complete record in the event of an appeal – we seek the Court's permission to submit the defense's proposed stipulations as to the Remaining Rule 15 Witnesses, all of which the government has rejected.

Respectfully submitted,

/s/ Robert J. Cleary
Robert J. Cleary

¹ As to the government's proposed stipulation, having now reviewed that witness's 3500 material and compared it to the proposed stipulation, the defense has concluded that it cannot stipulate as to the witness's testimony and thereby waive Mr. Zhong's constitutional right of confrontation.



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cc: AUSA Alexander A. Solomon (by ECF)
AUSA Ian C. Richardson (by ECF)
AUSA Craig R. Heeren (by ECF)